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The Pep Boys Manny Moe & Jack of California; and The  
14 Pep Boys – Manny, Moe & Jack

15 UNITED STATES DISTRICT COURT  
16  
17 NORTHERN DISTRICT OF CALIFORNIA

18 Art Navarro, individually, and on behalf of  
all others similarly situated, and as an  
19 aggrieved employee pursuant to the Private  
Attorneys General Act of 2004,

20 Plaintiff,

21 vs.

22 The Pep Boys Manny Moe & Jack of  
California, a California Corporation, The  
23 Pep Boys - Manny, Moe & Jack, a  
Pennsylvania Corporation, and DOES 1-25  
24 inclusive,

25 Defendants.  
26

Case No. 07-2633 SI

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO STAY OR  
TRANSFER THIS ACTION, OR, IN THE  
ALTERNATIVE, TO DISMISS  
PLAINTIFF'S FIRST, SECOND, THIRD,  
FOURTH, FIFTH, SEVENTH, NINTH,  
ELEVENTH, TWELFTH AND  
THIRTEENTH CLAIMS FOR RELIEF**

27 WHEREFORE, on September 21, 2007, Defendants The Pep Boys Manny Moe & Jack of

1 California and The Pep Boys – Manny, Moe & Jack’s Motion to Stay or Transfer This Action, or,  
 2 In the Alternative to Dismiss the First, Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh,  
 3 Twelfth, and Thirteenth Claims for Relief Pursuant to the First-to-File Rule came on for regularly  
 4 scheduled hearing in Courtroom 10, of the United States District Court for the Northern District  
 5 of California, located at 450 Golden Gate Avenue, San Francisco, California 94102, Judge Illston  
 6 presiding. \_\_\_\_\_ appeared for Defendants and \_\_\_\_\_  
 7 appeared for the Plaintiff.

8 Upon consideration of the pleadings, the papers, the arguments of counsel, and with good  
 9 cause shown, the Motion is hereby **GRANTED** in full. The Court orders that pursuant to the  
 10 Ninth Circuit’s “first-to-file” rule set forth in *Alltrade, Inc. v. Uniweld Products, Inc.*, 946 F.2d  
 11 622, 623 (9th Cir. 1991):

12 The present case is stayed pending the resolution of the earlier filed cases pending in the  
 13 United States District Court for the Central District of California *Aros v. The Pep Boys Manny*  
 14 *Moe and Jack of California*, Case No. 07-cv-02033 and *McEwen v. The Pep Boys Manny, Moe &*  
 15 *Jack of California*; *The Pep Boys Manny, Moe & Jack*, Case No. 07-cv-01755.

16 [Or, in the alternative]

17 The present case is transferred to the United States District Court, for the Central District  
 18 of California.

19 [Or, in the alternative]

20 Plaintiff’s First, Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh, Twelfth, and  
 21 Thirteenth Claims for Relief in the First Amended Complaint are hereby dismissed.

22 **IT IS SO ORDERED**

23  
 24  
 25 \_\_\_\_\_  
 26 THE HONORABLE SUSAN ILLSTON  
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